

#### § 455.45

#### 40 CFR Ch. I (7–1–00 Edition)

(1) The discharger will meet the requirements of the Pollution Prevention Alternative listed in Table 8 to this Part 455 (or received a modification by Best Professional Judgement for modifications not listed on Table 8 of this Part 455);

(2) The discharger will notify its NPDES permitting authority at the time of renewal or modification of its permit, of its intent to utilize the Pollution Prevention Alternative by submitting to the NPDES permit writer an initial certification statement as described in § 455.41(a);

(3) The discharger will submit to its NPDES permit writer a periodic certification statement as described in § 455.41(b) once each year of operation; and

(4) The discharger will maintain at the office of the facility and make available for inspection the on-site compliance paperwork as described in § 455.41(c).

[61 FR 57551, Nov. 6, 1996]

#### § 455.45 New source performance standards (NSPS).

(a) Any new source, except as provided in paragraph (b) of this section, subject to this subpart which discharges process wastewater must meet the following standards: There shall be no discharge of process wastewater pollutants to navigable waters.

NOTE: For new PFPR/Manufacturer facilities, as defined in § 455.10(p), which are also subject to the provisions of §§ 455.25, *zero discharge* means that permitting authorities shall provide no additional discharge allowance for those pesticide active ingredients (PAIs) in the pesticide formulating, packaging and repackaging wastewaters when those PAIs are also manufactured at the same facility.

(b) Any new source subject to paragraph (a) of this section may have a pollution prevention allowable discharge, as defined in § 455.41(e), of wastewater pollutants to navigable waters if the discharger agrees to NPDES permit conditions as follows:

(1) The discharger will meet the requirements of the Pollution Prevention Alternative listed in Table 8 to this Part 455 (or received a modification by Best Professional Judgement for modifications not listed in Table 8 of this Part 455);

(2) The discharger will notify its NPDES permit writer at the time of submitting its application for a permit, of its intent to utilize the Pollution Prevention Alternative by submitting to the NPDES permit writer an initial certification statement as described in § 455.41(a);

(3) The discharger will submit to its NPDES permitting authority a periodic certification statement as described in § 455.41(b) once each year of operation; and

(4) The discharger will maintain at the office of the facility and make available for inspection the on-site compliance paperwork as described in § 455.41(c).

[61 FR 57551, Nov. 6, 1996]

#### § 455.46 Pretreatment standards for existing sources (PSES).

(a) Except as provided in 40 CFR 403.7 and 403.13 or in paragraph (b) of this section, no later than November 6, 1999, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve PSES as follows: There shall be no discharge of process wastewater pollutants.

(b) Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to paragraph (a) of this section which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and may have a pollution prevention allowable discharge of wastewater pollutants, as defined in § 455.41(d), if the discharger agrees to control mechanism or pretreatment agreement conditions as follows:

(1) The discharger will meet the requirements of the Pollution Prevention Alternative listed in Table 8 to this Part 455 (or received a modification by Best Engineering Judgement for modifications not listed in Table 8 to this Part 455);

(2) The discharger will notify its local Control Authority at the time of renewing or modifying its individual control mechanism or pretreatment agreement of its intent to utilize the Pollution Prevention Alternative by

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submitting to the local Control Authority an initial certification statement as described in § 455.41(a);

(3) The discharger will submit to its local Control Authority a periodic certification statement as described in § 455.41(b) during the months of June and December of each year of operation; and

(4) The discharger will maintain at the offices of the facility and make available for inspection the on-site compliance paperwork as described in § 455.41(c).

(c) Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to § 455.46(b) which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and may submit a request to its Control Authority to waive pretreatment of: floor wash; and/or a non-reusable final rinse of a triple rinse, if the concentrations of pesticide active ingredients and priority pollutants in those wastewater sources have been demonstrated to be too low to be effectively pretreated at the facility. The Control Authority may waive pretreatment for these two wastewaters only if the existing source makes the demonstrations and is in compliance with 40 CFR 403.5.

[61 FR 57551, Nov. 6, 1996]

### § 455.47 Pretreatment standards for new sources (PSNS).

(a) Except as provided in 40 CFR 403.7 and 403.13 or in paragraph (b) of this section, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and achieve PSNS as follows: There shall be no discharge of process wastewater pollutants.

(b) Except as provided in 40 CFR 403.7 and 403.13, any new source subject to paragraph (a) of this section which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and may have a pollution prevention allowable discharge of wastewater pollutants, as defined in § 455.41(d), if the discharger agrees to control mechanism or pretreatment agreement conditions as follows:

(1) The discharger will meet the requirements of the Pollution Prevention Alternative listed in Table 8 to this Part 455 (or received a modification by Best Engineering Judgement for modifications not listed in Table 8 to this Part 455);

(2) The discharger will notify its local Control Authority at the time of submitting its application for an individual control mechanism or pretreatment agreement of its intent to utilize the Pollution Prevention Alternative by submitting to the local Control Authority an initial certification statement as described in § 455.41(a);

(3) The discharger will submit to its local Control Authority a periodic certification statement as described in § 455.41(b) during the months of June and December of each year of operation; and

(4) The discharger will maintain at the offices of the facility and make available for inspection the on-site compliance paperwork as described in § 455.41(c).

(c) Except as provided in 40 CFR 403.7 and 403.13, any new source subject to paragraph (b) of this section which introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and may submit a request to its Control Authority to waive pretreatment of: floor wash; and/or a non-reusable final rinse of a triple rinse, if the concentrations of pesticide active ingredients and priority pollutants in those wastewater sources have been demonstrated to be too low to be effectively pretreated at the facility. The Control Authority may waive pretreatment for these two wastewaters only if the new source makes the demonstrations and is in compliance with 40 CFR 403.5.

[61 FR 57552, Nov. 6, 1996]

## Subpart D—Test Methods for Pesticide Pollutants

### § 455.50 Identification of test procedures.

The pesticide active ingredients to which this regulation applies and for which effluent limitations guidelines and standards are specified in this part